

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Motion by the United States Securities
and Exchange Commission for
Nondisclosure Orders

15 Misc. ()

FILED UNDER SEAL AND *EX PARTE*

ORDER

The United States Securities and Exchange Commission (the “Commission”) has motioned, under 18 U.S.C. § 2705(b), for an order directing Hotmail Inc., an electronic communications service and/or remote computing service provider, not to give notice to its customer, subscriber, or any other person, of one or more administrative subpoenas to be issued to Hotmail Inc. in connection with the Commission’s investigation numbered NY-09547 and titled Trading in the Securities of Elizabeth Arden.


The Court finds, under 18 U.S.C. § 2705(b), that “there is reason to believe that notification of the existence of the . . . subpoena . . . will result in . . . (3) destruction of or tampering with evidence; . . . or (5) otherwise seriously jeopardizing an investigation.”

IT IS THEREFORE ORDERED under 18 U.S.C. § 2705(b) that Hotmail Inc. shall not disclose the existence of the motion, this Order, or subpoenas in this investigation to its subscriber, customer, or any other person, unless and until otherwise authorized to do so by the Court, except that Hotmail Inc. may disclose the motion, this Order, or subpoenas in this investigation to an attorney for Hotmail Inc. for the purpose of receiving legal advice.

IT IS FURTHER ORDERED that the Commission will provide an update to this Court within every 180 days from the issuance of this Order concerning the status of the investigation and the continued justification, if any, for this Order.

IT IS FURTHER ORDERED that the Commission shall notify Hotmail Inc. within 30 days of the conclusion of the Commission's investigation described in the motion, unless such period is extended by the court in accordance with 18 U.S.C. § 2705(b). After such notification, Hotmail Inc. shall no longer be bound by the nondisclosure order. January 14, 2019 GHW

IT IS FURTHER ORDERED that the motion and this Order are sealed until otherwise ordered by the Court.


United States District Judge

Dated: 10/19/17

Hotmail Inc. shall no longer be bound by this order after January 14, 2019 unless otherwise ordered by the Court. GHW